

REMARKS

Claims 1, 3, 4, 6-10, 12, 13, 16-21, and 24-31 are pending.

Independent claims 1, 9 and 20 have been rejected as being anticipated by Mericle (U.S. Patent No. 5,423,837).

Applicants have amended claim 1 to recite that the slot extends along the entire length of the body. Mericle does not describe this feature. In Mericle, the slot 30 (which the Examiner equates to the recited slot) does not extend along the entire length of the knot pusher (which the Examiner equates to the recited body). Rather, slot 30 extends along only a portion of the length of tip 6 of the knot pusher. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 1, and its rejected dependent claims, over Mericle.

Applicants have amended claim 9 to incorporate the limitation of its dependent claim 15, which the Examiner did not reject over Mericle. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 9, and its rejected dependent claims, over Mericle.

Applicants have amended claim 20 to recite "the tapered hole acting to guide the member when advanced into the tube from a larger opening of the tapered hole to a smaller opening of the tapered hole," language which is similar to claim 26, which the Examiner did not reject over Mericle. Applicants request reconsideration and withdrawal of the rejection of claim 20, and its rejected dependent claims, over Mericle at least because Mericle does not describe guiding a member from a larger opening of a tapered hole to a smaller opening of the tapered hole.

The Examiner has rejected independent claims 1, 9 and 29-31 as anticipated by Nelson (U.S. Patent No. 6,430,804).

Claim 1, as amended, recites that the slot extends along the entire length of the body. Nelson does not describe this feature. In particular, window 72 (which the Examiner equates to the recited slot) does not extend along the entire length of cup assembly 60 (which the Examiner equates to the recited body). For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 1, and its rejected dependent claims, over Nelson.

Claim 9, as amended, recites a tube and a body defining a tapered hole for guiding a member into the recited tube. Nelson does not describe both the recited tube and the body defining a tapered hole for guiding a member into the recited tube. In asserting that Nelson discloses the recited tube, the Examiner equates the recited tube with the balloon tail 82 of Nelson. Applicants, however, submit that the balloon tail 82 cannot be properly equated with the recited tube because Nelson does not describe that the balloon tail 82 is tubular. Moreover, given that Nelson fails to describe that the balloon tail 82 is tubular, Nelson also necessarily fails to describe that the conical cavity 78 (which the Examiner equates to the recited tapered hole) is able to guide a member into the balloon tail 82. For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 9, and its rejected dependent claims, over Nelson.

Independent claim 29 recites a cylindrical handle connected to the body and projecting on only one side of the body opposite to the slot. Nelson does not describe the recited cylindrical handle. In Nelson, the pneumatic actuator 50 or piston 92 (which the Examiner equates in the alternative to the recited cylindrical handle) is not connected to the device 60 (which the Examiner equates to the recited body). Rather, the pneumatic actuator 50 is connected to conduit 48 and to housing 20 by collar 52, and the piston 92 is connected to blade 94 and received within and connected to the pneumatic actuator 50. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 29 over Nelson.

Independent claim 30 recites a second portion of the body defining a bore that has a diameter that is greater than a width of the narrowest portion of the tapered hole. Applicants request reconsideration and withdrawal of the rejection of claim 30 because Nelson does not describe the recited second portion. In particular, the bore of tube 62 (which the Examiner equates to the recited second portion) does not have a diameter that is wider than the narrowest portion of the conical cavity 78. Rather, as shown in Fig. 4 of Nelson, the bore of tube 62 has a diameter that is narrower than the narrowest portion of the conical cavity 78. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 30 over Nelson.

Claim 31, as amended, recites that the slot extends to an end of the body such that the slot is open at the end of the body. Nelson does not describe this feature. In particular, window 72 does not extend to an end of cup assembly 60 such that window 72 is open at the end of cup assembly 60. Rather, window 72 stops short of the end of cup assembly 60 and is bound by the cup assembly 60 on all four sides. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 31 over Nelson.

The Examiner has rejected dependent claims 4 and 13, which depend from independent claims 1 and 9, respectively, as unpatentable over Nelson in view of Stivers (U.S. Patent No. 2,882,645). Stivers does not overcome the deficiencies in Nelson discussed above with respect to claims 1 and 9. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claims 4 and 13 over Nelson in view of Stivers.

Applicants submit that all claims are in condition for allowance.

Applicants do not acquiesce in the Examiner's characterizations of the art. For brevity and to advance prosecution, however, applicants may have not addressed all characterizations of the art and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by applicants to any of the Examiner's positions does not constitute a concession of the Examiner's positions. The fact that applicants' comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

The fees in the amount of \$810 for the request for continued examination are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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